

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and withdrawal of the rejections of the application in view of the following remarks.

I. STATUS OF THE CLAIMS

Claims 1-4, 7-14, 16, 17, 19-20, 22-24, 27-34 and 36-40 are pending in this application. Claims 5-6, 25 and 26 have been withdrawn from consideration and claims 15, 18, 21 and 35 have been canceled.

II. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-4, 7-8, 11-14, 16-17, 19-20, 22, 24, 27, 28, 31-34, 36, 37, 39-40 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,432,850 to Takagi et al. ("Takagi") in view of U.S. Patent No. 5,744,236 to Rohrbach et al. ("Rohrbach")

Claims 9, 10, 23, 29-30 and 38 were rejected under § 103(a) as allegedly unpatentable over Takagi in view of Rohrbach and further in view of U.S. Patent No. 4,803,096 to Kuhn et al. ("Kuhn").

Claims 1-4, 7-8, 11-14, 16-17, 19-20, 22, 24, 27, 28, 31-34, 36, 37, 39-40 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Takagi in view of Rohrbach in view of U.S. Patent No. 3,842,465 to Sillaots et al. ("Sillaots").

Claims 9, 10, 23, 29-30 and 38 were rejected under § 103(a) as allegedly unpatentable over Takagi in view of Rohrbach in view of Sillaots, and further in view of Kuhn.

Applicants respectfully submit that the present claims are patentable over the applied references for at least the following reasons.

A. Cited references do not teach all claim recitations

Instant claim 1 recites, *inter alia*:

“A conductive engineered fabric used in making nonwoven textiles in the airlaid, meltblown or spunbonding processes comprising a plurality of polymeric filaments having one or more C-shaped grooves with a mouth having a width less than the width of a central portion of the groove formed therein ...”
(Emphasis added)

Accordingly, the instant invention is directed to engineered fabrics used in making nonwoven textiles, specifically, in the airlaid, meltblown or spunbonding processes and the filaments that are used to construct these engineered fabrics. In contrast, Takagi is directed to fabrics excellent in conductivity and antistatic property as well as dust proof clothes sewed therefore, which are electroconductive throughout the dust proof clothes, *Takagi*, col. 1, lines 6-10, and Rohrbach is directed to a nonwoven filter media. *Rohrbach*, Abstract.

The newly cited reference, Sillaots, relates to an apparatus for forming a fibrous lap from webs, including a conveyor to deliver the webs, and a mechanism to lay the webs onto a conveyer withdrawing the ready lap. From Sillaots' disclosure it is clear that it is directed to an apparatus for use in a process such as carding, specifically as a cross-lapping machine. A person of ordinary skill in the art well recognizes the fact that a cross-lapping machine is not used in airlaid, meltblown or spunbonding processes recited in the instant claims. The instant claims are specifically related to these processes, because there was an immediate need for an engineered fabric that could dissipate static charge that is developed between the fibers of the fibrous web when they are being “formed” on the engineered fabric. Sillaots' belt merely transports a nonwoven web in a certain fashion, after the web is already formed. There is no need for “static dissipation” in Sillaots.

Applicants therefore submit that nothing has been found in Takagi, Rohrbach or Silloats that would teach or suggest the above-identified features of claim 1. Specifically, none of the cited references, taken either alone or in combination, teach or suggest a conductive engineered fabric used in making nonwoven textiles in the airlaid, meltblown or spunbonding processes, as recited in claim 1.

B. No motivation or suggestion to combine cited references

Applicants submit that Takagi relates to a fabric used in the production of clothes or garments. Therefore, there is no motivation for one skilled in the art to modify the teachings of Takagi, when Takagi does not even remotely relate to engineered fabric used in making nonwoven textiles in the airlaid, meltblown or spunbonding processes at the first place.

MPEP §2145(X)(c) states:

As discussed in MPEP §2143.01, **there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings.** The Federal Circuit has produced a number of decisions overturning obviousness rejections due to a lack of suggestion in the prior art of the desirability of combining references, as discussed in the aforementioned section. (Emphasis added)

The motivation or teaching to make the claimed combination by modifying or combining prior art references must be found in the prior art and not in the Applicant's disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Applicants submit that there is nothing that would motivate a skilled worker in the art to modify the teachings of Takagi in view of Rohrbach or Silloats, when Takagi lacks the very motivation to do so.

C. Impermissible hindsight reasoning and mosaic reconstruction

Applicants respectfully submit that *impermissible hindsight* reconstruction of the claimed invention using elements of the prior art is *not* allowed under 35 U.S.C. §103 (see MPEP §2142 for a discussion of impermissible hindsight).

Furthermore, MPEP §2143.01(III) states:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Emphasis in original.)

Applicants respectfully submit that the Office Action has merely created a mosaic of features from the prior art, without either a clear motivation or a suggestion of the desirability of the combination.

Additionally, MPEP §2143.01(IV) states:

A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). (Emphasis added)

As noted above, the Office Action has merely provided references to teach individual aspects of the claimed invention in total isolation, and has not established a *prima facie* case of obvious. The Office Action has failed to provide an objective reason to *combine* the disparate and unrelated teachings of the references into the claimed combination.

Silloats is directed to an apparatus for use in a process such as carding, specifically as a cross-lapping machine. Merely because Sillaots discloses that the belt used on the machine requires having physical and mechanical properties such as use of antistatic plastic to make the

belt, the Examiner cannot combine the teachings of Takagi and Rohrbach with Silloats' belt to derive the instant invention. Additionally, Takagi and Rohrbach relate to a garment and nonwoven filter media respectively, and do not even remotely relate to engineered fabrics used in making nonwoven textiles in the airlaid, meltblown or spunbonding processes, as recited in the instant claims.

Specifically, Takagi and Rohrbach are directed to a conductive cloth or garment and hollow fibers filled with solid carbon particles for use in nonwoven filter media respectively, and not to an industrial fabric as recited in the instant claims. One of ordinary skill in the art will not look into Takagi and be motivated to use Takagi's fiber in Silloats' belt.

Furthermore, Takagi discloses that the linear density of the fibers used in his garment are polyester filament yarn or polyester finished yarn such as polyester false twisted yarn, which is 0.1 to 5 denier in fineness as single fiber and 50 to 200 denier in total fineness. Specifically, the conductive bicomponent fibers are 1 to 5 denier in fineness as single fiber or of 10 to 200 denier, preferably 10 to 100 denier in total fineness. *Takagi*, col. 4, line 1-29. Therefore, it is clear from Takagi's disclosure that the fibers disclosed herein are for clothes or garments and not for industrial fabrics as claimed in the instant invention. Therefore, Applicants submit that the combination of references is inappropriate.

In view of the above, it is respectfully submitted that the pending claims are not rendered obvious over Takagi, Rohrbach and Silloats.

For at least the foregoing reasons, Applicants respectfully submit that revised independent claims 1 and 24 patentably distinguish over Takagi, Rohrbach and Silloats, either alone or in combination because the relied upon portions of the cited references fail to teach each and every limitation of claims 1 and 24 or motivate a person skilled in the art to modify or

combine the references to practice the claimed invention. Therefore, claims 1 and 24 are allowable. Further, claims 2-4, 7-14, 16, 17, 19-23 and 39, which depend from claim 1, and claims 27-34, 36-38 and 40, which depend from claim 24, are allowable therewith.

Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

In view of the foregoing remarks, it is submitted that the instant claims should be allowed and that the instant application is now in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration of the application, withdrawal of the rejections, and prompt issuance of the Notice of Allowance.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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